

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/507,336 Confirmation No. 7956

Applicants : Scott C. ANDERSON, et al.

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TC/A.U. : 3769

Examiner : David M. SHAY

Title : APPARATUS AND METHOD FOR ABLATING TISSUE

Docket No. : 0E-040013US / 82410.0027

Customer No. : 55962

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Applicants submit copies of the references listed on the attached PTO/SB/08A-B Forms for consideration and request that the U.S. Patent and Trademark Office make them of record in this application.

Applicants state the following:

☒ It is believed that each of the references identified on pages 1-14 of the attached PTO/SB/08 were submitted in one or more applications of the same family as the present application, i.e., in applications that have at least one application in common in their claims of priority with the present application.

☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of Applicant(s) no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☐ In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is believed to be submitted prior to issuance of a first Office Action and/or within three months of the filing date of the application. It is respectfully submitted that no fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-1129.

☒ This Information Disclosure Statement is being submitted after the mailing of a non-final Office Action, but is believed to be prior to a final Office Action or a Notice of Allowance. Pursuant to 37 C.F.R. § 1.97(c), payment in the amount of \$180.00 as set forth in 37 C.F.R. § 1.17(p) is enclosed. The Commissioner is hereby authorized to charge any deficiency in the fees or charge any fee required to keep this application pending to our Deposit Account No. 50-1129.

While the information and references disclosed in this Information Disclosure Statement are submitted pursuant to 37 C.F.R. § 1.56, this submission is not intended

to constitute an admission that any patent, publication or other information referred to is "prior art" to this invention. Applicants reserve the right to contest the "prior art" status of any information submitted or asserted against the application.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. This Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and the Examiner is respectfully requested to consider the listed documents and information.

Respectfully submitted,

WILEY REIN LLP

Dated: January 29, 2009

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